



West Virginia Division of Highways Policy: **Required Footwear Protection; Allowance**

Issued by the Commissioner of Highways

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 6/16/2022

Page 1 of 8

1.0 PURPOSE

The purpose of this policy is to establish the standard for footwear protection during West Virginia Division of Highways (WVDOH) operations following a workplace hazard assessment. The safety toe footwear protection is always to be worn during field operations and while working in equipment shops and warehouse operations.

The policy also outlines the process employees must use to receive a footwear allowance. All field, shop, and warehouse personnel are required to wear their approved footwear protection while working. It is the intent of the agency to offset the expense of purchasing approved, protective footwear as long as it is within the agency budget to do so.

2.0 SCOPE

This policy requires the use of safety toe footwear protection for employee safety and applies to the classifications and job assignments listed in Section 9.1 of this policy. On and after July 1, 2022, employees working in the designated classifications may receive an allowance to offset the cost of protective footwear as specified by this policy.

3.0 DEFINITIONS

- 3.1 **Agency:** Any authority, bureau, commission, or Division, or similar cabinet subpart of the Department of Transportation.
- 3.2 **Approved Footwear:** Sanctioned, endorsed, accredited, certified, or accepted as satisfactory by the WVDOH.
- 3.3 **ANSI:** American National Standards Institute
- 3.4 **ASTM:** American Society for Testing Materials
- 3.5 **Defective Footwear:** Any characteristic or condition which tends to weaken or reduce the strength of the footwear.
- 3.6 **Employee:** A person who lawfully occupies a position in a WVDOH organization and who is paid a wage or salary and who has not severed the employee-employer relationship.
- 3.7 **OSHA:** Occupational Safety and Health Administration
- 3.8 **Permanent Employee:** Any classified employee, or any classified-exempt employee who was hired to fill a position for an unlimited period of time, notwithstanding the agency's right to terminate the employee for cause or at the employee's will.
- 3.9 **Suitable Footwear:** Footwear that fits and has the qualities or qualifications to

Policy: Required Footwear Protection; Allowance

WEST VIRGINIA DIVISION OF HIGHWAYS

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 06/16/2022

Page 2 of 8

meet the given purpose, occasion, condition, or function.

4.0 OSHA REGULATIONS

4.1 Protective footwear is covered under OSHA PPE requirements for General Industry in 29 Code of Federal Regulations (CFR) 1910 Subpart I and for Construction in 29 CFR 1926 Subpart E. All field personnel are required to wear their approved footwear protection while working. Due to the nature of varying work involved in field work and within the garages, maintenance, and construction activities, WVDOH employees are to wear safety toe footwear protection in conformity to OSHA regulations. Possibilities of hazards include danger of foot injuries from falling or rolling objects, objects piercing the sole, an electrical hazard, such as a static-discharge or electric-shock hazard. OSHA includes standards that apply to work in garages and facilities, as well as field work. These standards are referenced in 29 CFR 1910, General Industry Standards and 29 CFR 1926, Construction Standards.

4.2 OSHA specifies specific types of protective footwear that must be worn as follows:

29 CFR 1910.136(a)

The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, objects piercing the sole, or when the use of protective footwear will protect the affected employee from an electrical hazard, such as a static-discharge or electric-shock hazard, that remains after the employer takes other necessary protective measures.

4.3 **29 CFR 1910.136(b) CRITERIA FOR PROTECTIVE FOOTWEAR**

A. 29 CFR 1910.136(b)(1)

Protective footwear must comply with any of the following consensus standards:

1. 29CFR 1910.136(b)(1)(i)

ASTM F-2412-2005, "Standard Test Methods for Foot Protection," and ASTM F-2413-2005, "Standard Specification for Performance Requirements for Protective Footwear," which are incorporated by reference in § 1910.6;

2. 29 CFR 1910.136(b)(1)(ii)

ANSI Z41-1999, "American National Standard for Personal Protection -- Protective Footwear," which is incorporated by reference in § 1910.6; or

3. 29 CFR 1910.136(b)(1)(iii)

ANSI Z41-1991, "American National Standard for Personal Protection -- Protective Footwear," which is incorporated by reference in § 1910.6.

B. 29 CFR 1910.136(b)(2)

Policy: Required Footwear Protection; Allowance

WEST VIRGINIA DIVISION OF HIGHWAYS

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 06/16/2022

Page 3 of 8

Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

5.0 GENERAL CRITERIA

- 5.1 Standard footwear protection utilized by WVDOH is an ANSI or ASTM approved work shoe or work boot. The best way to determine if the ANSI or ASTM standard requirement has been met by the shoe manufacture is to look for the "ANSI Z41" or the "ASTM F-2412 or F-2413" marking in the shoe including designations for impact and compression resistance.
- 5.2 Footwear protection is required during field operations.
- 5.3 Footwear protection is required when any field work is occurring inside a site that requires Traffic Control. Field work includes, but is not limited to the operations being performed, setting of Traffic Control, performing Traffic Control, and removal of Traffic Control.
- 5.4 Maintenance work activities performed on a WVDOH facility requires the use of footwear protection.
- 5.5 When there are no engineering or administrative controls available to eliminate the hazard of falling or rolling objects, objects piercing the sole, or of electrical hazard, such as a static-discharge or electric-shock hazard, footwear protection is required.
- 5.6 Some examples of when footwear protection shall be worn indoors while working at WVDOH are listed below, but are **NOT** limited to the following:
 - Storerooms
 - Equipment Shops
 - Anytime there is risk of electrical shock.
 - Anytime there is risk of slips, trips, or falls.
 - Mechanic areas
 - Maintenance Equipment Areas

6.0 EXPLANATION OF PROTECTIVE FOOTWEAR MARKING

The marking that you will see on the boots will look something like this:

ASTM F2413-18
M / I / C
MT / PR

This indicates that the protective footwear meets the performance requirements of ASTM F2413-18.
This line indicates gender sizing and if it meets Impact (I) or Compression (C) resistance.
Will state if there are any requirements for the designations as listed below (Mt, Cd, EH, SD, or PR).

Line 1: **ASTM F2413-18**

Line 2: **M/I/C** – This line identifies the general M for male and F for female and it also identifies the existence of impact resistance (I) and compression resistance (C).

Policy: Required Footwear Protection; Allowance

WEST VIRGINIA DIVISION OF HIGHWAYS

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 06/16/2022

Page 4 of 8

Line 3&4: EH

Lines 3 and 4 are used to identify footwear made to offer protection from other specific types of hazards referenced in the standard such as follows.

MT = Metatarsal protection (when there is a chance of injury to the metatarsal bones on the top of the foot. The protection must be an integral and permanent part of the footwear and is measured after exposure to a 75-pound force).

CD = Conductive properties (Intended to provide protection for the wearer against hazards that may result from static electricity buildup and to help reduce the possibility of ignition of explosives or volatile chemicals. The footwear must facilitate electrical conductivity and the transfer of static electricity buildup from the body to the ground. The electrical resistance must range between zero and 500,000 ohms).

EH = Electrical hazard resistance properties (manufactured with non-conductive, electrical-shock-resistant soles and heels. The outsole is intended to provide a secondary source of electric-shock-resistance protection to the wearer against the hazards from an incidental contact with live electrical circuits or electrically energized conductors, part or apparatus. It must be capable of withstanding the application of 18,000 volts at 60 hertz for one minute with no current flow or leakage current in excess of one milliamper under dry conditions).

SD = Footwear designed to reduce the accumulation of excess static electricity (designed to provide protection against hazards that may exist due to excessively low footwear resistance, as well as maintain a sufficiently high level of resistance to reduce the possibility of excess static electricity and electric shock. Three different levels of electrical resistance are designated: SD 100, SD 35, and SD 10, based upon the following parameters

:

- SD 100 – a lower limit of electrical resistance of 10^6 ohms (1 megohm) and an upper limit of electrical resistance of 10^8 ohms (100 megohms).
- SD 35 – a lower limit of 10^6 ohms and an upper limit of 3.5×10^7 ohms (35 megohms).
- SD 10 – a lower limit of electrical resistance of 10^6 ohms and an upper limit of 1.0×10^7 ohms (10 megohms).

PR = Puncture resistance (is designed with a puncture resistant plate is positioned between the insole and outsole. Puncture resistant components must reduce the possibility of injury caused by sharp objects that can penetrate the bottom of the footwear. The puncture resistant component must be a integral and permanent part of the footwear. A positive test result is achieved if the footwear's bottom can be subjected to a 270-pound force without visual signs of penetration. The device must also show no sign of corrosion after being exposed to a 5 percent salt solution for 24 hours.)

There are orthopedic shoes for diabetics approved by OSHA available please refer questions to your retailer.

7.0 EXCEPTIONS TO GENERAL CRITERIA

- 7.1 Footwear protection is not required for visitors within the Controlled Environment of WVDOH Equipment Shops or the Equipment Maintenance Areas of our facilities. If the supervisor determines that there is a hazard from falling or rolling objects, objects piercing the sole, or of electrical hazard, such as a static-discharge

Policy: Required Footwear Protection; Allowance

WEST VIRGINIA DIVISION OF HIGHWAYS

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 06/16/2022

Page 5 of 8

or electric-shock hazard in these areas during specific repairs, the supervisor may require footwear protection to be worn while these specific activities are performed.

- 7.2 Footwear protection is not required on WVDOH facilities while walking to and from vehicles or buildings, fueling vehicles, performing daily vehicle checks, or any normal routine activity associated with the use of the facility.

8.0 ENFORCEMENT & AUTHORITY

It is emphasized that the District Manager or Division Director of the organization is responsible for the implementation of this policy, misuses, and mistakes regarding allowance, and verifying that footwear meets the WVDOH standards listed in section 5.0 of this policy. Violations of this policy will be subject to progressive discipline.

9.0 ALLOWANCE PROCEDURE

- 9.1 Starting July 1, 2022, the agency will provide an annual allowance up to \$175 with proof of purchase for permanent employees in the following jobs and classifications:
- A. Transportation Worker 1 through 4 (all areas of assignment)
 - B. Transportation District/Division Supply Specialist
 - C. Transportation District/Division Supply Specialist Senior
 - D. Transportation County Supply Specialist
 - E. Transportation Bridge Safety Inspector 1 through 4
 - F. Transportation Crew Supervisors
 - G. Transportation Construction Superintendent
 - H. Transportation Electronic Technician (Trainee through Senior)
 - I. Transportation Equipment Specialist
 - J. Transportation Equipment Lead
 - K. Transportation Equipment Manager
 - L. Transportation Buildings and Grounds Worker
 - M. Transportation Buildings and Grounds Senior
 - N. Transportation Buildings and Grounds Manager
 - O. Transportation Engineering Technician Trainee*

Policy: Required Footwear Protection; Allowance

WEST VIRGINIA DIVISION OF HIGHWAYS

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 06/16/2022

Page 6 of 8

- P. Transportation Engineering Technician Associate*
- Q. Transportation Engineering Technician Enrollee 1*
- R. Transportation Engineering Technician*
- S. Transportation Engineering Technician Enrollee 2*
- T. Transportation Engineering Technician Senior*
- U. Transportation Engineering Technician Enrollee 3*
- V. Transportation Engineering Technologist (Area Construction Supervisors Only) *
- W. Transportation District Administrator 1*
- X. Transportation Inspector (Trainee through Senior)
- Y. Transportation Environmental Resources Specialist (Trainee through Senior)
- Z. Transportation Geologist (Trainee through Senior)
- A1. Transportation Occupational Safety Specialist (Trainee through Senior)
- B2. Transportation Surveyor
- C2. Transportation Professional Surveyor
- D2. Transportation Engineer Trainee 1 and 2*
- E2. Transportation Engineer Associate*
- F2. Transportation Engineer Associate Senior*
- G2. Transportation Assistant County Administrator
- H2. Transportation County Administrator

*Approval for employees in the following classifications must be designated on the FR-1 Form by the District Manager or Division Director, based on employee job duties: Field Personnel, Construction Inspectors, Project Supervisors, Bridge Inspectors, Team Leaders, and any employee who spends 50% or more of the workday in an area where footwear is required pursuant to Section 5.0 of this policy.

- 9.2. An annual allowance up to \$175 per employee will be issued to employees in the subject jobs or classifications per 12-month period. The allowance will include tax and is only applicable to footwear meeting ANSI and ASTM Standards as described in this policy.

Policy: Required Footwear Protection; Allowance

WEST VIRGINIA DIVISION OF HIGHWAYS

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 06/16/2022

Page 7 of 8

- 9.3. Employees must be on the payroll on July 1 of after of the current year as an active employees in one of the eligible classifications to receive the footwear allowance or receive approval by the appropriate District Manager or Division Director. Employees who are in the probationary period of their employment are eligible for this allowance. Temporary, co-op employees, and employees on Leaves of Absence for the entire 12 months prior to July 1 are not eligible for this benefit. Employees on Leaves of Absence may be reviewed individually for eligibility upon their return to work.
- A. The period of time the employee is on Leave of Absence will not be counted toward the 12-month cycle for the allowance.
 - B. Prorated footwear allowance is not authorized.
- 9.4 To receive the allowance, an employee **must** follow the process below:
- A. Employee purchases safety footwear that meets the requirements set forth in the policy.
 - B. Employee completes, signs the FR-1 form and submits it with sales receipt to their supervisor.
 - C. The supervisor will review the boots to ensure they meet the standards set in this policy and the receipt matches the boots before signing and submitting to the District HR Manager or the Division HR personnel.
 - D. The District HR Manager or the Division HR personnel will review to see that it is correct before submitting to the District Manager or Division Director for signature approval, requesting that it be returned to them once signed.
 - E. The District HR Manager or Division HR personnel will review to see that everything is correct and complete before sending to the Human Resources Division for payment.
 - F. The Human Resources Division Administration section will review paperwork and process payments through wvOASIS as a OTPAY event.
- 9.5 The 12-month cycle between allowances starts at the time the allowance is approved by the District Manager or Division Director. The allowance can be requested at any time throughout a fiscal year.
- 9.6 Requests for footwear allowance to be paid to an employee not in one of the eligible classifications must be sent to the District HR Manager or the Division HR personnel one month prior to the established due date. Requests will be reviewed and decided by the State Highway Engineer, or designee.

9.0 RELEVANT MATERIALS / DOCUMENTS

Policy: Required Footwear Protection; Allowance

WEST VIRGINIA DIVISION OF HIGHWAYS

Policy No: DOH 1.1

Issue Date: 05/01/2021

Revised: 06/16/2022

Page 8 of 8

- 9.1 FR-1 Form
<https://transportation.wv.gov/employees/DOHForms/FR-1.pdf>
- 9.2 OSHA General Industry Standard 29 CFR 1910
<https://www.osha.gov/laws-regs/regulations/standardnumber/1910>
- 9.3 OSHA Standard 29 CFR 1910.136 Footwear Protection
<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.136>
- 9.4 OSHA Construction Standard 29 CFR 1926.96 Occupational Foot Protection
<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.96>

10.0 CHANGE LOG

June 16, 2022 –

- Added employee definition.
- Specified applicable safety-toe footwear standards.
- Clarified allowance requirements and process to comply with tax law.

Effective Date of Policy: 06/16/2022

Approved by:



Jimmy D. Wriston, P.E.
Secretary of
Transportation
Commissioner of
Highways



Date

*The Secretary of the West Virginia Department of Transportation or the Commissioner of Highways may, pursuant to the authority vested with the Secretary and Commissioner in W. Va. Code §51-2-2, §17-2A-1 et seq., and §17-2-1 et seq., waive the requirements of this policy if the circumstances, in the Secretary or Commissioner's sole discretion, warrant such action.